

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 229

Introduced by Assembly Member Tran

February 7, 2005

An act to amend Section 4616.3 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 229, as amended, Tran. Medical provider networks: notification of injury.

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

Existing law authorizes an insurer or employer to establish or modify a medical provider network for the provision of medical treatment to injured employees. Existing law requires an employer utilizing a network to arrange an initial medical evaluation and begin treatment when the injured employee either notifies the employer of the injury or the employee files a claim for workers' compensation with the employer.

This bill would instead require an employer utilizing a network to ~~arrange~~ *authorize* an initial medical evaluation ~~and to begin treatment within one working day after an employee files a claim for workers' compensation with the employer~~ *of receiving notice or knowledge of injury*.

Existing law requires the employer to notify the employee of his or her right to be treated by a physician of his or her choice after the

first visit from the medical provider network and the method by which the list of participating providers may be accessed by the employee.

This bill would also require the employer to notify the employee of the right to be treated by his or her predesignated treating physician.

Existing law authorizes treatment by a specialist who is not a member of the medical provider network on a case-by-case basis if the medical provider network does not contain a physician who can provide the approved treatment and the treatment is approved by the employer or the insurer.

This bill would authorize treatment by such a specialist if the treatment is preapproved by the employer or the insurer.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4616.3 of the Labor Code is amended to
2 read:

3 4616.3. (a) ~~Within one working day after an employee files a~~
4 ~~claim for workers' compensation with the employer, the~~
5 ~~employer shall arrange an initial medical evaluation and begin~~
6 ~~treatment as required by Section 4600.~~

7 (b) ~~The employer shall notify the employee of his or her right~~
8 ~~to be treated by a physician of his or her choice after the first~~
9 ~~visit from the medical provider network established pursuant to~~
10 ~~this article, and the method by which the list of participating~~
11 ~~providers may be accessed by the employee. The employer shall~~
12 ~~authorize an initial medical evaluation to begin treatment of an~~
13 ~~injured employee, as required by Section 4600, in accordance~~
14 ~~with the notification provisions contained in Chapter 2~~
15 ~~(commencing with Section 5400) of Part 4.~~

16 (b) *After the employee's initial medical evaluation, the*
17 *employee has the right to be treated by a physician of his or her*
18 *choice from within the medical provider network established*
19 *pursuant to this article. The employer shall notify the employee*
20 *of this right, the method by which the employee may access the*
21 *list of participating providers, and the employee's right to be*
22 *treated by his or her treating physician who has ben*
23 *predesignated pursuant to subdivision (d) of Section 4600.*

1 (c) If an injured employee disputes either the diagnosis or the
2 treatment prescribed by the treating physician, the employee may
3 seek the opinion of another physician in the medical provider
4 network. If the injured employee disputes the diagnosis or
5 treatment prescribed by the second physician, the employee may
6 seek the opinion of a third physician in the medical provider
7 network.

8 (d) (1) Selection by the injured employee of a treating
9 physician and any subsequent physicians shall be based on the
10 physician's specialty or recognized expertise in treating the
11 particular injury or condition in question.

12 (2) Treatment by a specialist who is not a member of the
13 medical provider network may be permitted on a case-by-case
14 basis if the medical provider network does not contain a
15 physician who can provide the approved treatment and the
16 treatment is ~~approved~~ *preapproved* by the employer or the
17 insurer.